

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 1443 of 2020

- Shiv Narayan Sahu S/o Late Ramdulare Aged About 45 Years
Caste- Teli, R/o Kasra (Chhatta Sarai), Police Station- Patna,
District- Korea, Chhattisgarh.

---- Applicant

Versus

- State Of Chhattisgarh Through- Station House Officer- Police
Station, Patna, District- Korea, Chhattisgarh

---- Respondent

For Applicant	: Shri Sumit Singh Rathore, Advocate
For Respondent/State	: Shri Anand Verma, Dy.GA

Hon'ble Smt. Justice Rajani Dubey

Order On Board

03/06/2020

The applicant has filed this application under Section 439 of the Code of Criminal Procedure for grant of regular bail as he is in custody in connection with Crime No. 83/2019 registered at police station Patna, district Koriya (CG) for the offence punishable under Sections 302 and 323/34 IPC.

As per prosecution case, it is alleged that the applicant along with his wife and son has committed the murder of deceased Ambika Sahu by assaulting with hands, fists, club and axe.

Counsel for the applicant submits that the applicant has been falsely implicated in the case. He submits that the prosecution witnesses PW-1,2, 3,4 and 5 have not stated anything against the

applicant. He further submits that the applicant is in jail since 28.04.2019; charge sheet has been filed and looking to the conduct of the prosecution it is clear that the trial will take time for its conclusion.

On the other hand counsel for the State opposes the bail application.

Having heard counsel for the parties, considered the totality of the fact, in particular the detention period of the applicant, I am inclined to release him on regular bail. Accordingly, his application filed under Section 439 of the Code of Criminal Procedure is allowed.

It is directed that in the event of the applicant's furnishing a personal bond in the sum of Rs. 25,000/- with one surety for the like sum to the satisfaction of the concerned Court, he shall be released on bail.

It is made clear that if the applicant has already been released on bail pursuant to the bail bonds already furnishing in view of the order passed by the High Power Committee constituted in compliance of the order of the Supreme Court of India dated 23.03.2020 in the matter of **In Re: Contagion of COVID 19 Virus in Prisons** (Suo Moto Writ Petition (C) No. 1/2020), he need not furnish bail bonds afresh and the bail bonds already furnished shall be deemed to be the bail bonds furnished in compliance of the order of this Court, but if he has not furnished the bail bonds earlier, then he will be required to furnish bail bonds within four weeks' from today.

Sd/-
(Rajani Dubey)
Judge